

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DAVID JAKUBOWSKI,

Plaintiff,

v.

STEPHANIE CLENDENIN, et al.,

Defendants.

No. 1:23-cv-01087 JLT SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
FOR FAILURE TO OBEY COURT
ORDERS AND FAILURE TO
PROSECUTE

(Doc. 22)

David Jakubowski seeks to hold the defendant liable for violations of his civil rights pursuant to 42 U.S.C. § 1983. The magistrate judge issued Findings and Recommendations regarding Plaintiff's failure to obey court orders and failure prosecute for failing to oppose Defendant Price's motion to dismiss. (Doc. 22.)¹ The magistrate judge found terminating sanctions were appropriate after considering the factors identified by the Ninth Circuit in *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988). (*Id.* at 2-5.) Therefore, the magistrate judge recommended the Court dismiss the action without prejudice for Plaintiff's failure to obey court orders and failure to prosecute. (*Id.* at 5.)

The Court served the Findings and Recommendations on Plaintiff and notified him that

¹ Although Plaintiff filed a reply to the Court's Order to Show Cause issued August 12, 2025, indicating he would file an opposition to the pending motion to dismiss on or about September 15, 2025, he failed to do so. (*See* Doc. 22 at 3.)

1 any objections were due within 14 days. (Doc. 22 at 5.) The Court advised him that the “failure to
2 file any objections within the specified time may result in the waiver of certain rights on appeal.”
3 (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file
4 objections, and the time to do so has passed.

5 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
6 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
7 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 8 1. The Findings and Recommendations issued September 29, 2025 (Doc. 22) are
9 **ADOPTED** in full.
- 10 2. This action is **DISMISSED** without prejudice for Plaintiff’s failure to obey court
11 orders and failure to prosecute.
- 12 3. The Clerk of Court is directed to close this case.

13
14 IT IS SO ORDERED.

15 Dated: **October 24, 2025**


UNITED STATES DISTRICT JUDGE